

\$ IFW

<p>Certificate of Mailing I hereby certify that this correspondence is being deposited on <u>August 22, 2005</u> with the United States Postal Service with sufficient postage as first class mail addressed to: Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Typed or Printed name of person signing this certificate: Dana J. Conley Signature: _____</p>	<p>Customer Number 24024</p>
--	---

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Goertzen, et al) Examiner: Spisich, George D
)
Serial No.: 10/695,045) Art Unit: 3616
)
Filed: October 27, 2003) Confirmation No.: 5698
)
For: VEHICLE HAVING AN ANTI-DIVE/LOCKOUT MECHANISM) Attorney Docket No.: 12873/04325
)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B forms and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

FOREIGN LANGUAGE DOCUMENTS

- ☐ In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Communication from a foreign patent office in a counterpart application citing such documents, together with an English-language version (if not already included) of that portion of the

{DJD1111.DOC;1}

Communication indicating the degree of relevance found by the foreign patent office.

- ☐ In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant submits the following explanations:
-

- ☒ Complete English translations of foreign language documents are being submitted herewith, and therefore no concise explanation for such documents is required.

CERTIFICATION AND FEE PAYMENT INFORMATION

- ☐ The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination under 37 C.F.R. § 1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required. If this is not the case, the patent office is hereby authorized to charge any related fee to **Deposit Account No. 03-0172**.
- ☐ The present Information Disclosure Statement is being filed thirty days or fewer from a Communication from a foreign patent office and Applicant submits the following Statement Under 37 C.F.R. § 1.704(d). Each item of information contained in the Information Disclosure Statement was cited in a Communication from a foreign patent office in a counterpart application and this Communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☐ The present Information Disclosure Statement is being filed after the later of three months from the application's filing date and mailing date of the first Office Action on the merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), and therefore Applicant submits the following Statement under 37 C.F.R. § 1.97(e). No fee under 37 C.F.R. § 1.17(p) is required. If this is not the case, the patent office is hereby authorized to charge any related fee to **Deposit Account No. 03-0172**.
- ☐ Each item of information contained in this information disclosure statement was cited in a Communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a Communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than

three months prior to the filing of this statement.

- ☒ The present Information Disclosure Statement is being filed (without a Statement under 37 C.F.R. § 1.97(e)) after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier). Accordingly, Applicant submits the fee required under 37 C.F.R. § 1.17(p). The fee is being paid in the following manner:

- ☒ A check is attached in the amount of \$ 180.00 as required under 37 § 1.17(p).
☐ The patent office is hereby authorized to charge the amount of \$ _____ and any related fee to **Deposit Account No. 03-0172**.

- ☐ The present Information Disclosure Statement is being filed after the mailing of a final Office Action, Notice of Allowance or an action that otherwise closes prosecution in the application, but on or before the payment of the issue fee. Accordingly, Applicant submits the following Statement under 37 C.F.R. § 1.97(e) along with the fee required under 37 C.F.R. § 1.17(p).

- ☐ Each item of information contained in this information disclosure statement was cited in a Communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
☐ No item of information contained in this information disclosure statement was cited in a Communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

AND, the fee is being paid in the following manner:

- ☐ A check is attached in the amount of \$ _____ as required under 37 § 1.17(p).
☐ The patent office is hereby authorized to charge the amount of \$ _____ and any related fee to **Deposit Account No. 03-0172**.

INFORMATION DISCLOSURE STATEMENT
Appln. No. 10/695,045

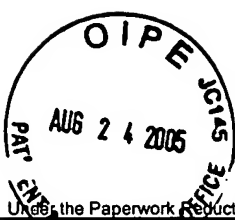
Attorney Docket No. 12873-04325

☒ **Although no additional fees are believed to be due, please charge any fee deficiencies and credit any overpayments to Deposit Account No. 03-0172.**

Respectfully submitted,

Date: 8/22/08

By: Ken Smith
Kenneth Smith, Reg. No. 45,115
(216) 622-8674



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/695,045
Filing Date	October 27, 2003
First Named Inventor	George D. Spisich
Art Unit	3616
Examiner Name	Gerald Goertzen
Attorney Docket Number	12873-04325

Sheet 1 of 3

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1	US- 6,554,086 B1	04-2003	Goetzen et al.	
	2	US- 6,640,916 B2	11-2003	Schaffner et al.	
	3	US- 6,0763,951 A	06-2000	Jindra et al.	
	4	US- 6,199,647 B1	03-2001	Schaffner et al.	
	5	US- 6,460,641 B1	10-2002	Kral, Stephen L.	
	6	US- 6,129,165 A	10-2000	Schaffner et al	
	7	US- 5,848,658 A	12-1998	Pulver, Dale A.	
	8	US- 5,944,131 A	08-1999	Schaffner et al.	
	9	US- 6,070,898	06-2000	Dickie et al.	
	10	US- 6,533,306	03-2003	Watkins, Walter A.	
	11	US- 6,041,876	03-28-2000	Pulver et al.	
	12	US- 2004/0094944 A1	05-20-2004		
	13	US- 2003/0075365 A1	04-24-2003		
	14	US- 6,041,876	03-28-2000		
	15	US- 2003/0205420 A1	11-06-2003	Mulhern et al	
	16	US- 6,357,793	03-19-2002	Dickie et al	
	17	US- 5,435,404	07-25-1995	Garin II	
	18	US- 5,485,140	01-16-1966	Bussin	
	19	US- 5,531,284	07-02-1996	Okamoto	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	1	WO 00/12040	03-09-2000			
	2	WO 82/00445	02-18-1982			
	3	FR 2.215.054	08-1974			
	4	FR 2.399.822	03-1979			
	5	WO 90/06097	06-1990			
	6	WO 96/15752	05-1996			

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 2

of 3

Complete if Known

Application Number	10/695,045
Filing Date	October 27, 2003
First Named Inventor	Gerald Goertzen
Art Unit	3616
Examiner Name	George D. Spisich
Attorney Docket Number	12873-04325

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	20	US- 5,540,297	07-30-1996	Meier	
	21	US- 5,575,348	11-19-1996	Goertzen et al	
	22	US- 5,628,377	05-13-1997	Le Gloan	
	23	US- 5,701,122	12-23-1997	Canedy	
	24	US- 5,772,237	06-30-1998	Finch et al.	
	25	US- 5,848,658	12-15-1998	Pulver	
	26	US- 5,855,387	01-05-1999	Gill et al.	
	27	US- 5,904,214	05-18-1999	Lin	
	28	US- 5,944,131	08-31-1999	Schaffner et al.	
	29	US- 5,957,474	09-28-1999	Mundy et al	
	30	US- 5,964,473	10-12-1999	Degonda et al	
	31	US- 6,070,898	06-06-2000	Dickie et al.	
	32	US- 6,129,165	10-10-2000	Schaffner et al.	
	33	US- 09/765,022	01-18-2001	Walkins	
	34	US- 2001/0011612 A1	08-2001	Takenaka et al.	
	35	US- 2003/0159862 A1	08-2003	Wu, Donald P.H.	
	36	US- 2004/0004342 A1	01-2004	Mulhem et al.	
	37	US- 2004/0084230 A1	05-2004	Grymko et al	
	38	US- 6,494,474 B1	12-2002	Kramer, Jr., DuWayne	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	7	WO 03/101364 A2	12-11-2003			
	8	WO 00/66060	11-09-2000			
	9	WO 03/101364 A3	12-11-2003			
	10	WO 99/17700	04-1999			
	11	WO 00/54718	09-2000			

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/695,045
Filing Date	October 27, 2003
First Named Inventor	George D. Spisich
Art Unit	3616
Examiner Name	5698
Attorney Docket Number	12873-04325

Sheet 3 of 3

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	39	US- 2004/0150204	08-05-2004	Goertzen et al	
	40	US- 1,773,254	12-07-1928	Becker	
	41	US- 2,767,995	06-08-1953	Stout	
	42	US- 3,104,112	07-02-1962	Cail	
	43	US- 3,282,605	11-01-1966	Nihlean et al	
	44	US- 3,580,591	05-25-1971	Coffey	
	45	US- 3,848,883	11-19-1974	Breacain	
	46	US- 4,513,832	04-30-1985	Engman	
	47	US- 4,515,385	05-07-1985	Christian	
	48	US- 4,542,918	09-24-1985	Singleton	
	49	US- 4,721,321	01-26-1988	Haury et al	
	50	US- 4,963,910	09-16-1988	Brandli et al	
	51	US- 5,113,959	05-19-1992	Mastov et al.	
	52	US- 5,137,295	08-11-1992	Peek	
	53	US- 5,181,733	01-26-1993	Tague	
	54	US- 5,209,509	05-11-1993	Gay et al	
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ *Number ⁴ *Kind Code ⁵ (if known)				

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.